



**Memorandum of Understanding  
Between the  
California Department of Food and Agriculture  
And  
Department of Agricultural Promotions of Baja California**

Herein, the Secretariat of Agriculture of Baja California and the California Department of Food and Agriculture will be referred to as “The Parties.”

**Encouraged** by the desire to strengthen actions of cooperation and collaboration among both agencies regarding food and fiber production;

**Interested** in forming specific programs of cooperation in regards to animal and plant health;

**Aware** of the importance to share experiences that will strengthen and enhance activities related to the protection of animal and plant health;

The Parties have agreed to the following:

**Article I  
Objective**

The objective of this agreement is to establish a framework so that both parties can:

- Identify and evaluate possible threats to animal and plant health that can have significant negative emergency impact to the parties and to prevent entrance of exotic pests or disease.
- Continue to gather information, through regular communication and technical visits, about the requirements of phytosanitary and zoosanitary programs currently operating in California and Baja California;

**Article II**

**To achieve the objectives referenced in Article I, both parties will carry out cooperation activities in the following areas:**

- Strive to enhance communication procedures between Baja California and California to inform each other when sanitary and/or phytosanitary issues are detected in and around the border area. Both parties will be committed to provide information on current status and advances made in animal and plant health protection activities;
- Participate in the exchange of scientific expertise, techniques, personnel and technologies to improve prevention, detection, control and eradication of animal diseases and plant pest/disease;
- Participate in contingency planning to assist in the event of an emergency outbreak of animal disease and plant pest/disease in and around the border area;
- Jointly support the Secretaría de Agricultura, Ganadería, Recursos Hidráulicos, Pesca y Alimentación (SAGARPA) and the United States Department of Agriculture (USDA) in their working efforts to enhance surveillance, detection and reporting procedures along the United States – Mexico border;

- Continue to assist SAGARPA and the USDA in the recognition of diseases or pest free areas or regions in Baja California and California, which result from specific animal disease and plant pest/disease eradication programs, to enhance the trade of agricultural products;
- The parties will nominate appropriate departmental staff to serve as direct contacts for animal and plant health, enhancing cooperation and dialogue on the issues outlined within this Memorandum of Understanding;

### ***Article III*** **Funding**

Both parties will fund the activities referenced in this Memorandum of Understanding with resources assigned in their respective budgets based on availability, budget control and national legislative stipulations;

Each party will defray the costs incurred by it's own participation, as available, except when it is agreed to use alternative funding sources for specific activities or when each party makes specific financial arrangements that are deemed necessary;

### ***Article IV*** **Participation of Other Institutions**

Both parties, as deemed appropriate, will encourage the participation of public or private institutions whose activities fall directly in the areas of cooperation with the intent to strengthen and broaden the mechanisms that will support the implementation of this Memorandum of Understanding;

### ***Article V*** **Legal Disclaimer**

The parties acknowledge that this Memorandum of Understanding is not intended to create any legally binding rights or obligations, and will not be enforceable in any court of law in the United States of America or the United Mexican States, or any tribunal of any sort. The parties commit themselves in good will to implement this Memorandum of Understanding to the fullest extent practicable, subject to their own legal and budgetary constraints, and subject to any changes in policy that they may adopt;

### ***Article VI*** **Final Regulations**

The Memorandum of Understanding will become effective on the date it is signed and will continue to be valid for a period of five (5) years. This agreement can be extended for additional periods of the same length, based on a prior assessment, unless either party decides to terminate the Memorandum of Understanding;

Any party may withdraw from this agreement by providing 30 days written notification to the other;

The present Memorandum of Understanding can be mutually modified with the consent of both parties. Modifications must be made in writing and include the date which the modified Memorandum of Understanding comes into effect;

The parties acknowledge that this Memorandum of Understanding is not intended to create any legally binding rights or obligations, and will not be enforceable in any court of law in the United States of America or the United Mexican States. The parties commit themselves in good will to implement this Memorandum to the fullest extent practicable, subject to any changes in policy that they may adopt.

Signed in the City of Sacramento, California on the 20th day of October, 2009.  
Two original copies in English and Spanish, both versions being equally valid.

**FOR THE GOVERNMENT OF THE  
STATE OF CALIFORNIA  
UNITED STATES OF AMERICA**

**FOR THE GOVERNMENT OF THE  
STATE OF BAJA CALIFORNIA  
UNITED MEXICAN STATES**

\_\_\_\_\_  
ARNOLD SCHWARZENEGGER  
Governor  
State of California

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JOSÉ GUADALUPE OSUNA MILLÁN  
Governor  
State of Baja California

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A.G. KAWAMURA  
Secretary  
California Department of Food & Agriculture

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ANTONIO RODRIGUEZ HERNANDEZ  
Secretary  
Department of Agriculture  
and Livestock Development